

Entered - 11/15/00 - sb  
CL00L0698 - DIANNE C. MITCHELL

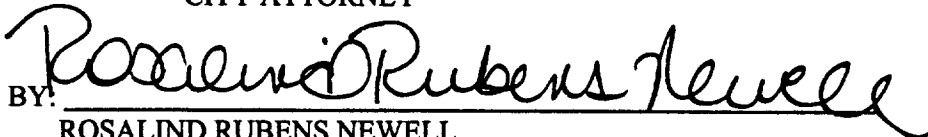
CLAIM OF: **MARGARET O. PANTHER**  
**2167 FAIRWAY CIRCLE**  
**ATLANTA, GEORGIA 30319**

For damages alleged to have been sustained as a result of vehicular damage due to uneven sewer manholes after repaving of the roadway on October 6, 2000 at 4362 Wieuca Road near Loridans Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **MARGARET O. PANTHER** the sum of **\$1,086.38** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to uneven sewer manholes after repaving of the roadway on October 6, 2000 at 4362 Wieuca Road near Loridans Road as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
\_\_\_\_\_  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0698

Date: December 12, 2000

Claimant /Victim MARGARET O. PANTHER

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 2167 Fairway Circle, Atlanta, Georgia 30319

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,086.38 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 11/15/00 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/06/00 Place: 4362 Wieuca Road near Loridans Road

Department Public Works Division: Street Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant's vehicle was damaged in the above amount when she drove through an area of Wieuca Road that had been recently repaved, but the manhole covers had not yet been raised to the level of the roadway. The City has been on notice of this condition for several months, but has failed to make the roadway safe.

### INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X


Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted



INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 1,086.38 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 12-13-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 11/13/00

Dear Municipal Clerk:

ENTERED - 11-15-00 - SB  
00L0698 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1086<sup>38</sup> property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 10/6/00 2. Time of Incident: 1:00 pm 3. Police called: But they did stop ✓  
(month/day/ year) Y# No  
Let her
4. Location of incident (including street address): 4362 Wieuca Rd (near LORIDANS Rd.)
5. Name of your insurance company: Allstate Policy No. \_\_\_\_\_
6. State what and how incident occurred: There was a large unmarked hole in street that I ran over. The hole was from recent road construction. It appeared to be work around a sewer hole. 2 tires were ruined beyond repair. My passenger air bag deployed. It had to be replaced too. At Police officer G.P. Broom stopped at the scene. He called City of Atl. roads & requested they come & fix the hole.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: BMW 330ic 2001 Margaret O. Panther  
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Officer (City of Atl.) G.P. Broom 675 Pinedale Ave 848 7232  
(Name) (Address) Atl. 30308 (Telephone Number)  
Zone 2
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Margaret O. Panther  
(Print Claimant's Name)

2167 Fairway Circle  
(Address)

Atlanta GA 30319  
(City, State and Zip Code)

404 896 9053  
(Work Number)

404 325 4885  
(Home Number)

On October 6 the accident occurred. This claim is a little delayed as I had to order the new air bag. Work wasn't completed until early November.

Please contact me should you need any additional info.

Also, a man that stopped to see if he could help informed me that earlier that same day, another person hit this pothole and ruined 2 tires as well.

Thank you,  
Margaret O'Farther